

1 Robert Lauson, Esq. (SBN 175,486)
bob@lauson.com

2 Edwin Tarver, Esq. (SBN 201,943)
edwin@lauson.com

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3 LAUSON & TARVER LLP
880 Apollo Street, Suite 301
4 El Segundo, California 90245
Telephone: (310) 726-0892
5 Facsimile: (310) 726-0893

6 Attorneys for Plaintiff, ANDCAKE, INC.

7
8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 **ANDCAKE INC., a California**
12 **corporation,**

13 **Plaintiff,**

14 **v.**

15 **CRESTONE LLC, a California**
16 **Limited Liability Company, d/b/a**
17 **HAZEL & JALOUX; ROBERT**
18 **CHO, JANET CHO, individuals, and**
19 **DOES 1 through 9 inclusive,**

20 **Defendants.**

Civil Action No. CV13-06742-R-CW

Stipulated Consent Judgment And
Permanent Injunction

21 Plaintiff, ANDCAKE, INC., and Defendants CRESTONE LLC, Robert Cho
22 and Janet Cho, agree as follows:

23 1. Plaintiff ANDCAKE is a corporation organized and existing under the
24 laws of the State of California, engaged in creating various designs, and marketing
25

1 and selling clothing since 1999, with a mailing address of 1532 N. Columbus
2 Avenue, Glendale, California 91202 (“AndCake”).

3
4 2. Defendant CRESTONE is a California Limited Liability Company,
5 and Defendants Robert Cho and Janet Cho are all involved in distributing clothing
6 in the U.S., and having a mailing address of 1121 S. Boyle Ave. #202, Los
7 Angeles, CA 90023 (collectively “Crestone”).

8
9 3. AndCake is the owner of U.S. Copyright Registration No. VA 1-828-
10 478 “Samantha” for 2-D artwork (“the Work”). AndCake contends that
11 Defendants’ were involved in the distribution of infringing copies of the Work as
12 embodied in an Eliza Tunic product being sold for a time by the Sundance Catalog.

13
14 4. Plaintiff AndCake contends that Defendants’ acts of importing the
15 accused product and re-selling it in the U.S. constitute copyright infringement
16 pursuant to 17 U.S.C. Section 101 et seq. Defendants agree that judgment may
17 be entered against them in the above-entitled action as set forth below, and the
18 parties waive any findings of fact or conclusions of law under Fed. R. Civ. P. 52
19 or any other applicable rule, in order to effectuate the terms of this Order and
20 fully resolve all claims asserted in this action.

21
22 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND
23 DECREED AS FOLLOWS:
24
25

1 1. This Court has subject matter jurisdiction over this action as a federal
2 question pertaining to copyrights pursuant to 28 U.S.C. §1338(a).

3
4 2. Plaintiff's registered copyright is presumed valid and enforceable,
5 and was infringed by Defendants by their distributing of copies in the U.S.

6
7 3. Effective immediately Defendants and their owners, employees,
8 agents, related companies, and all persons and entities in active concert or
9 participating with any of them, are permanently enjoined from engaging in
10 copyright infringement of U.S. Copyright Registration No. VA 1-828-478
11 "Samantha" including distributing any copies of the Work in the U.S. for so long
12 as said copyright remains valid and enforceable.

13
14 4. Defendants, jointly and severally, shall pay to AndCake the sum of
15 \$10,000 (Ten Thousand U.S. Dollars) for damages as a result of said
16 infringement,

17
18 AND THAT JUDGMENT BE ENTERED IN FAVOR OF PLAINTIFF
19 ACCORDINGLY.

20
21 Dated: Nov. 12, 2013.

By:



United States District Judge

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3 Presented by:

4 LAUSON & TARVER LLP

5
6 By: _____
7 Robert J. Lauson, Esq.
8 Attorneys for Plaintiff

9
10 CRESTONE LLC

11
12 By: _____
13 Robert Cho, Member

14
15 By: _____
16 Robert Cho, an individual

17
18 By: _____
19 Janet Cho, an individual